

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS



March 31, 2025

Maine Department of Education
23 State House Station
Augusta, ME 04333-0023
c/o Sarah A. Forster, Assistant Attorney General
sent via email only, to: Sarah.Forster@maine.gov

Re: Impasse Letter – Directed Investigation No. 01255902, Maine Department of Education

Dear Assistant Attorney General Forster:

On March 19, 2025, the U.S. Department of Education, Office for Civil Rights (OCR), issued a Letter of Finding of Noncompliance and Proposed Resolution Agreement in the above referenced Directed Investigation. The Investigation examined whether the Maine Department of Education (MDOE) is in continuing violation of Title IX by permitting, directing, instructing, or requiring Maine school districts to: (1) allow males to participate in female athletics (whether interscholastic, intercollegiate, club or intramural); and (2) deny to female students (particularly, female student-athletes) access to intimate facilities on the basis of sex, such as female-only locker rooms and bathrooms.

Based on a review of the evidence, including Title IX and its implementing regulation, MDOE's Assurance of Compliance, Maine state law, Maine administrative Regulations, published guidance from the MDOE to local school districts, the MDOE's relationship with the Maine Principals' Association and with local school districts, publicly reported middle school and high school interscholastic athletic competition results and related information within the State of Maine, published news reports, and no evidence provided by the MDOE to the contrary, OCR determined MDOE is not in compliance with Title IX and its implementing regulation. OCR notified MDOE of this finding of non-compliance via letter dated March 19, 2025 (Letter of Finding of Non-Compliance).

The Title IX regulation, at 34 C.F.R. § 106.3, requires recipients found to be in violation of Title IX, to take remedial action to resolve all violation findings:

If the Assistant Secretary finds that a recipient has discriminated against persons on the basis of sex in an education program or activity, such recipient shall take such remedial action as the Assistant Secretary deems necessary to overcome the effects of such discrimination.

In accordance with the Title IX regulatory procedure for bringing recipients into compliance, as set forth at 34 C.F.R. § 106.81 and 34 C.F.R. § 100.8, OCR provided MDOE a Proposed Resolution Agreement concurrently with the Letter of Finding of Non-Compliance. The Proposed Resolution Agreement specified the actions that MDOE must take to voluntarily come into compliance with Title IX and remedy MDOE's Title IX violations.

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On March 19, 2025, the Office of the Attorney General for the State of Maine acknowledged receipt of OCR’s Letter of Finding of Noncompliance and Proposed Resolution Agreement on behalf of MDOE and notified OCR that the Office of the Attorney General represents MDOE in this matter. OCR made a further attempt to engage MDOE in a resolution dialogue on March 21, 2025, via email communication offering to begin discussions if the MDOE was inclined to discuss resolution. As of the date of this letter, which is past expiration of the 10 days set forth in the Letter of Finding of Noncompliance, MDOE has clearly demonstrated to OCR that MDOE is refusing to discuss resolution and thus agreement will not be reached.

Accordingly, at this time, OCR is issuing this Impasse Letter to inform MDOE that a Letter of Impending Enforcement Action will be issued 10 calendar days from today’s date unless MDOE reaches an agreement with OCR and executes an OCR-approved Resolution Agreement within that 10-day period. If no such Resolution Agreement has been executed by **close of business April 11, 2025**, OCR will issue a Letter of Impending Enforcement Action to MDOE and concurrently refer this matter to the Department of Justice for enforcement.

If you have any questions regarding this Impasse Letter or to initiate resolution discussions, please contact me at Bradley.Burke@ed.gov.

Respectfully,

Bradley R. Burke
Regional Director